

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR07-105-RSL

v.

OLAF TWEEDIE,

Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on September 6, 2012. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Susan Loitz, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Richard Cowan. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on January 10, 2008, by the Honorable Robert S. Lasnik for False Statement. He received 5 months of detention and 3 years of supervised release.

On March 24, 2008, a violation report was submitted to the Court, alleging Mr. Tweedie committed a new state offense of Theft/Shoplift. No action was taken at that time.

On May 14, 2008, a violation report and warrant request was submitted to the Court alleging

1 Mr. Tweedie failed to serve a 150 day placement at a residential reentry center (absconded). Mr.
2 Tweedie was apprehended on May 19, 2008. Mr. Tweedie admitted to the violation and was
3 sentenced to 24 days detention and a new 35 month term of supervised release.

4 On October 15, 2008, a violation report was submitted to the Court alleging Mr. Tweedie
5 committed new offenses of Unlawful Possession of a Controlled Substance, and Driving While
6 License Suspended 3rd Degree. No action was recommended and the Court concurred. It is
7 noted that on March 23, 2010, Mr. Tweedie was sentenced to 24 months detention with 9-12
8 months community custody for Unlawful Possession of a Controlled Substance.

9 On June 22, 2009, a violation report and request for summons was submitted to the Court
10 alleging Mr. Tweedie violated his term of supervised release by using cocaine on April 29, 2009,
11 and June 4, 2009, and also failed to report for in-patient drug treatment. On November 17, 2009,
12 Mr. Tweedie had his initial appearance on the violations. He admitted the violations, was
13 admonished, and was released on the same conditions as previously imposed. A final hearing
14 regarding the revocation of supervision was scheduled for February 10, 2010, however, a new
15 petition for warrant was submitted on January 22, 2010, alleging Mr. Tweedie used cocaine on
16 January 12, 2010, and failed to report for drug testing as directed. A warrant was issued.
17 Additionally a supplemental violation report was submitted alleging Mr. Tweedie used cocaine
18 on January 20, 2010. Mr. Tweedie was apprehended in the Eastern District of Washington on
19 April 27, 2011, and was detained and ordered removed to this District. On May 11, 2011, Mr.
20 Tweedie had his initial appearance was ordered detained pending an evidentiary hearing. On
21 May 26, 2011, the Court found all 6 violations had been committed and Mr. Tweedie's term of
22 supervised release was revoked. He was sentenced to credit for time served with a new term of
23 supervised release of 34 months.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated August 13, 2012 and a supplemental violation petition dated August 29, 2012, U.S. Probation Officer Todd D. Skipworth alleged that defendant violated the following conditions of supervised release:

1. Using cocaine on or before October 18, 2011, April 27, 2012, June 1, 2012, and July 25, 2012, in violation of standard condition #7.

2. Failing to submit to urinalysis testing on May 29, 2012, in violation of a special condition of supervision.

3. Failing to pay restitution in the amount of \$100 per month, from November 2011 to present in violation of a special condition of supervision.

4. Using cocaine on or before August 6, 2012, and August 15, 2012, in violation of standard condition #7.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted the above violations, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on October 10, 2012, at 8:30 a.m. before District Judge Robert S. Lasnik.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 6th day of September, 2012.



BRIAN A. TSUCHIDA
United States Magistrate Judge